

Docket No.: 03-28 US
Serial No. 10/664,617

REMARKS

This submission is in response to the Office Action, dated March 27, 2006, a response to which is due on June 27, 2006. As this response is filed within two months of the mailing date of the Final Office Action, Applicant respectfully requests a Notice of Allowance or an Advisory Action be issued. Since this response is filed within the three-month shortened statutory period of time set for response, no extension of time is necessary.

Applicant wishes to thank the Examiner for the courtesies extended in the telephonic interview conducted on May 19, 2006. In that interview, proposed amendments to the claims to distinguish over the prior art were discussed. Accordingly, claims 31 and 39 have been amended to recite language indicated by the Examiner to be allowable.

Favorable consideration is respectfully requested in view of the following Amendments and Remarks.

I. RESTRICTION REQUIREMENT AND STATUS OF THE CLAIMS:

Claims 31-84 are pending. Claims 1-30 are hereby canceled as being directed to a nonelected invention. Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

In the Office Action, the Examiner indicated that claims 39-46 would be rejoined upon allowance of claims 31-38. Claims 31 and 39 have been amended to recite: "provided that when the vinyl aromatic monomers are brominated, bromination is performed utilizing electrophilic aromatic substitution." Support for this limitation is found on page 18, lines 22-25, and on page 19, lines 1-5. Therefore no new matter has been added.

Accordingly, upon entry of this amendment, claims 31-84 are pending and under examination, subject to reinstatement of the claims of Group IV, claims 39-46.

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II. REJECTIONS UNDER 35 U.S.C. § 102(b):

Claims 31-38 and 47-84 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,355,791 to Gjerde (hereinafter "Gjerde"). The Examiner reiterated the rejection of the Office Action dated October 7 2005, and stated that "the bromination of the polymeric monolith with is poly(styrene-divinylbenzene) to move [*sic*, remove] the remaining double bonds reads on 'halogenation of hydrocarbyl substituents'." In response to Applicant's assertion that the method described by Gjerde can only brominate the few unreacted vinyl monomers remaining after polymerization, the Examiner stated that the degree of bromination is not cited in the claims.

In response, Applicant respectfully traverses this rejection. The present claims have been amended and now recite "provided that when the vinyl aromatic monomers are brominated, bromination is performed utilizing electrophilic aromatic substitution." Gjerde does not disclose or suggest bromination utilizing electrophilic aromatic substitution. In fact, electrophilic aromatic substitution would not be desirable according to Gjerde because the objective in performing the bromination reaction disclosed by Gjerde is to react unreacted vinyl groups on the polymer, not to add bromine atoms to the aromatic nuclei of the polymer. The electrophilic bromination method described in the present specification results in bromination on the aromatic monomers, and results in a very different product than the one described by Gjerde. Therefore, Applicant submits that Gjerde cannot anticipate the pending claims.

Accordingly, Applicant respectfully submits that pending claims 31 - 84 are patentable over Gjerde, and requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b).

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance. Applicants respectfully request entry of this amendment, rejoinder and examination of claims 39-46, and allowance of claims 31-84. No new matter has been added. The amended claims are

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fully supported in the specification and claims as filed. An early and favorable action on the merits is earnestly solicited.

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, he is welcome to contact the undersigned attorney at (650) 565-8185.

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